

PUBLISHED 25TH FEB., 1971



GUYANA.

BILL NO. 3 OF 1971.

MINERALS BILL, 1971.

Arrangement of Sections.

Section

1. Short title.
2. Regulation of extraction and marketing of minerals.
3. Power to make regulations.
4. Specific provisions in relation to regulations.

A BILL

Intituled

AN ACT to make provision for the orderly extraction and marketing of minerals and the orderly production and marketing of articles prepared or manufactured therefrom.

A. D. 1971 Enacted by the Parliament of Guyana:—

Short title. 1. This Act may be cited as the Minerals Act, 1971.

Regulation of extraction and marketing of minerals. 2. No person shall extract any mineral or shall prepare or manufacture for market any article or thing therefrom or shall market any such mineral or any such article or thing except in accordance with the law relating thereto, including any regulations made under this Act.

Power to make regulations. 3. (1) The Minister may make regulations for all or any of the following purposes—

- (a) the orderly extraction of any mineral;
- (b) the orderly production of any article or thing prepared or manufactured for market from any mineral; and
- (c) the orderly marketing of any mineral or of any article or thing prepared or manufactured for market from any mineral.

(2) The Minister responsible for finance may make regulations for the purpose of providing for the imposition of any tax, duty, rate, cess or other impost in respect of any mineral or in respect of any such extraction, production or marketing as is specified in subsection (1).

(3) Regulations made under subsection (2) shall be subject to affirmative resolution of the National Assembly.

Specific provisions in relation to regulations. 4. (1) Without prejudice to the generality of the powers conferred by section 3, regulations under subsection (1) of section 3 may, so far as appears to the Minister to be necessary or expedient for any of the purposes mentioned in that section, provide—

- (a) for regulating or prohibiting the extraction of any mineral or the production, treatment, keeping, storage, movement, transport, distribution, sale, use or consumption of any mineral or of any article or thing prepared or manufactured for market from any mineral and for controlling the prices at which any such mineral or article may be sold;
- (b) for regulating the carrying on of any undertaking engaged in the extraction or marketing of any mine-

ral of the production or marketing of any article or thing prepared or manufactured for market from any mineral and for controlling the charges which may be made by the undertakers in respect of the doing of any work by them;

- (c) for requiring persons carrying on or employed in any such undertaking to produce to such authority or person as may be specified by or under the regulation any books, accounts or other documents relating to that undertaking and for requiring any such person to furnish to such authority or person as may be so specified such estimates or returns as may be required by or under the regulations;
- (d) for prohibiting the doing of anything for which provision is made by or under the regulations except under the authority of a licence granted by such authority or person as may be specified in the regulations;
- (e) for any incidental or supplementary matters for which the Minister thinks it expedient for the purposes mentioned in subsection (1) of section 3 to provide, including the entering and inspection of premises to which the regulations relate by persons authorised in that behalf by or under the regulations with a view to securing compliance with the regulations,

and any such regulations may be made so as to apply either to undertakings generally or to any particular person or undertaking or class of persons or undertakings and either to the whole or any part of any undertaking and so as to have effect either throughout Guyana or in any particular area thereof.

(2) If it appears to the Minister that in the interest of maintaining the orderly extraction or marketing of any mineral or the orderly production or marketing of any article or thing prepared or manufactured for market from any mineral, it is necessary to take control on behalf of the State of the whole or any part of an existing undertaking, and that, for the purpose of exercising such control, it is expedient that the undertaking or part should be carried on in pursuance of regulations made under this Act the Minister may by regulations made under subsection (1) of section 3—

- (a) authorise any person (hereinafter referred to as "an authorised controller") to exercise with respect to the undertaking, or any part thereof specified in the regulations, such functions of control, on behalf of the State as may be provided by or under the regulations: and

- (b) authorise an authorised controller to carry on the whole or any part of any existing undertaking in accordance with any instructions of the Minister.

(3) So long as any such regulation as is referred to in paragraph (a) of subsection (2) is in force with respect to any undertaking or part of an undertaking—

- (i) the authorised controller shall exercise his functions in accordance with any instructions given to him by the Minister; and
- (ii) the undertaking or part shall be carried on in accordance with any directions given by the authorised controller in accordance with the provisions of the regulations, and any person having any functions of management in relation to the undertaking or part shall comply with any such regulations.

(4) While by virtue of any such regulation as is referred to in paragraph (b) of subsection (2) an authorised controller is carrying on the whole or any part of an undertaking—

- (a) he shall be deemed to be acting as the agent of the undertakers, except that the undertakers shall not have any right to control the carrying on of the undertaking or any part of the undertaking; and
- (b) the undertakers shall not be bound, or as the case may be, shall not in respect of such matters as may be specified in the regulations, be bound by any obligation or limitation imposed on them by or by virtue of any law or instrument determining their functions.

(5) Before making any regulations referred to in subsection (2) the Minister shall give the undertakers in relation to whom the regulations are proposed to be made notice in writing informing them of that intention and of their right to make any representations to him in writing within such time as may be specified in the notice in relation to the making of such regulations:

Provided that nothing in this subsection shall affect the right of the Minister to make such regulations if, after considering any representations duly made to him by the undertakers, he is satisfied that it is necessary or expedient so to do for any of the purposes mentioned in subsection (1) of section 3.

(6) Where any regulations referred to in subsection (2) have been made by the Minister those regulations shall, unless sooner revoked by the Minister, cease to be in force at the expiration of a

period of three months beginning on the date on which they were made, but without prejudice to the making of other such regulations at or before the end of that period.

EXPLANATORY MEMORANDUM

This Bill seeks to confer authority on the appropriate Minister to regulate the extraction and marketing of any mineral including the production and marketing of any article therefrom. Provision is also made authorising the Minister responsible for finance, by regulations, to impose taxes in respect of the extraction and marketing of any mineral, or in respect of the production and marketing of any article or thing from any mineral.

H. O. JACK,
Minister of Mines and Forests.